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PART-VII

GOVERNMENT OF MEGHALAYA NOTIFICATIONS

The 13th December, 2018.

No.LL (B). 75/2015/180. - The following Acts passed by the Parliament and assented by the President of India and published in the Gazette of India, Extra-Ordinary, Part II, Section I on the date indicated below are hereby republished for general information.

| Sl. No. | Name of Act | Act No. & Year | Date of publication in the Gazette of India |
|---------|---|--------------------|---|
| 9. | The Criminal Law (Amendment) Act, 2018 | Act No. 22 of 2018 | 11. 08. 2018 |
| 10. | The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 | Act No. 27 of 2018 | 17. 08. 2018 |
| 11. | The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018 | Act No. 28 of 2018 | 21. 08. 2018 |

THE CRIMINAL LAW (AMENDMENT) ACT, 2018

An

Act

further to amend the Indian Penal Code, Indian Evidence Act 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows : -

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Criminal Law (Amendment) Act, 2018.

Short title and commencement.

(2) It shall be deemed to have come into force on the 21st day of April, 2018.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE

| | | |
|---|--|-------------|
| Amendment of section 166A. | 2. In the Indian Penal Code (hereafter in this Chapter referred to as the Penal Code), in section 166A, in clause (c), for the words, figures and letters "section 376B, section 376C, section 376D", the words, figures and letters "section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted. | 45 of 1860. |
| Amendment of section 228A. | 3. In section 228A of the Penal Code, in sub-section (1), for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted. | |
| Amendment of section 376. | 4. In section 376 of the Penal Code,— (a) in sub-section (1), for the words "shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine", the words "shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine" shall be substituted; (b) in sub-section (2), clause (i) shall be omitted; (c) after sub-section (2), the following sub-section shall be inserted, namely:— "(3) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim." | |
| Insertion of new section 376AB. | 5. After section 376A of the Penal Code, the following section shall be inserted, namely:— "376AB. Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this section shall be paid to the victim." | |
| Punishment for rape on woman under twelve years of age. | | |
| Insertion of new section 376DA and 376DB. | 6. After section 376D of the Penal Code, the following sections shall be inserted, namely:— "376DA. Where a woman under sixteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this section shall be paid to the victim." | |
| Punishment for gang rape on woman under sixteen years of age. | | |

376DB. Where a woman under twelve years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death:

Punishment for gang rape on woman under twelve years of age.

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim."

7. In section 376E of the Penal Code, for the word, figures and letter "section 376D", the words, figures and letters "section 376AB or section 376D or section 376DA or section 376DB," shall be substituted.

Amendment of section 376E.

CHAPTER III

AMENDMENTS TO THE INDIAN EVIDENCE ACT, 1872

1 of 1872.

8. In section 53A of the Indian Evidence Act, 1872 (hereafter in this Chapter referred to as the Evidence Act), for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted.

Amendment of section 53A.

9. In section 146 of the Evidence Act, in the proviso, for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted.

Amendment of section 146.

CHAPTER IV

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

2 of 1974.

10. In the Code of Criminal Procedure, 1973 (hereafter in this Chapter referred to as the Code of Criminal Procedure), in section 26, in clause (a), in the proviso, for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted.

Amendment of section 26.

11. In section 154 of the Code of Criminal Procedure, in sub-section (1),—

Amendment of section 154.

(i) in the first proviso, for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB," shall be substituted;

(ii) in the second proviso, in clause (a), for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB," shall be substituted.

12. In section 161 of the Code of Criminal Procedure, in sub-section (3), in the second proviso, for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted.

Amendment of section 161.

13. In section 164 of the Code of Criminal Procedure, in sub-section (5A), in clause (a), for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted.

Amendment of section 164.

**Amendment of
section 173.**

14. In section 173 of the Code of Criminal Procedure,—

(i) in sub-section (1A), for the words "rape of a child may be completed within three months", the words, figures and letters "an offence under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of the Indian Penal Code shall be completed within two months" shall be substituted;

45 of 1860.

(ii) in sub-section (2), in clause (i), in sub-clause (h), for the word, figures and letters "section 376, 376A, 376B, 376C, 376D", the word, figures and letters "sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB" shall be substituted.

**Amendment of
section 197.**

15. In section 197 of the Code of Criminal Procedure, in sub-section (1), in the *Explanation*, for the words, figures and letters "section 376A, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376C, section 376D, section 376DA, section 376DB" shall be substituted.

**Amendment of
section 309.**

16. In section 309 of the Code of Criminal Procedure, in sub-section (1), in the proviso, for the words, figures and letters "section 376A, section 376B, section 376C or section 376D of the Indian Penal Code, the inquiry or trial shall, as far as possible," the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA or section 376DB of the Indian Penal Code, the inquiry or trial shall" shall be substituted.

45 of 1860.

**Amendment of
section 327.**

17. In section 327 of the Code of Criminal Procedure, in sub-section (2), for the words, figures and letters "section 376A, section 376B, section 376C, section 376D", the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB" shall be substituted.

**Amendment of
section 357B.**

18. In section 357B of the Code of Criminal Procedure, for the words, figures and letters "under section 326A or section 376D of the Indian Penal Code", the words, figures and letters "under section 326A, section 376AB, section 376D, section 376DA and section 376DB of the Indian Penal Code" shall be substituted.

45 of 1860.

**Amendment of
section 357C.**

19. In section 357C of the Code of Criminal Procedure, for the figures and letters "376A, 376B, 376C, 376D", the figures and letters "376A, 376AB, 376B, 376C, 376D, 376DA, 376DB" shall be substituted.

**Amendment of
section 374.**

20. In section 374 of the Code of Criminal Procedure, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) When an appeal has been filed against a sentence passed under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code, the appeal shall be disposed of within a period of six months from the date of filing of such appeal."

45 of 1860.

**Amendment of
section 377.**

21. In section 377 of the Code of Criminal Procedure, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) When an appeal has been filed against a sentence passed under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code, the appeal shall be disposed of within a period of six months from the date of filing of such appeal."

45 of 1860.

**Amendment of
section 438.**

22. In section 438 of the Code of Criminal Procedure, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code."

45 of 1860.

23. In section 439 of the Code of Criminal Procedure,—

**Amendment of
section 439.**

(a) in sub-section (1), after the first proviso, the following proviso shall be inserted, namely:—

45 of 1860.

"Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.";

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

45 of 1860.

"(1A) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code."

24. In the First Schedule to the Code of Criminal Procedure, under the heading "I.—
OFFENCES UNDER THE INDIAN PENAL CODE",—

**Amendment of
First Schedule.**

(a) for the entries relating to section 376, the following entries shall be substituted, namely:—

| Section | Offence | Punishment | Cognizable or Non-cognizable | Bailable or Non-bailable | By what Court triable |
|---------|---|---|---------------------------------|-----------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| *376 | Rape. | Rigorous imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine. | Cognizable | Non-bailable | Court of Session. |
| | Rape by a police officer or a public servant or member of armed forces or a person being on the management or on the staff of a jail, remand home or other place of custody or women's or children's institution or by a person on the management or on the staff of a hospital, and rape committed by a person in a position of trust or authority towards the person raped or by a near relative of the person raped. | Rigorous imprisonment of not less than 10 years but which may extend to imprisonment for life which shall mean the remainder of that person's natural life and with fine. | Cognizable | Non-bailable | Court of Session. |

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|--|------------|--------------|--------------------|
| | Persons committing offence of rape on a woman under sixteen years of age. | Rigorous imprisonment for a term which shall not be less than 20 years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life and with fine. | Cognizable | Non-bailable | Court of Session." |

(b) after the entries relating to section 376A, the following entries shall be inserted, namely:—

| 1 | 2 | 3 | 4 | 5 | 6 |
|--------|--|--|------------|--------------|--------------------|
| "376AB | Person committing an offence of rape on a woman under twelve years of age. | Rigorous imprisonment of not less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine or with death. | Cognizable | Non-bailable | Court of Session." |

(c) after the entries relating to section 376D, the following entries shall be inserted, namely:—

| 1 | 2 | 3 | 4 | 5 | 6 |
|--------|--|--|------------|--------------|--------------------|
| "376DA | Gang rape on a woman under sixteen years of age. | Imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine. | Cognizable | Non-bailable | Court of Session. |
| 376DB | Gang rape on woman under twelve years of age. | Imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine or with death. | Cognizable | Non-bailable | Court of Session." |

CHAPTER V

AMENDMENT TO THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Amendment of section 42 of Act No.32 of 2012.

25. In section 42 of the Protection of Children from Sexual Offences Act, 2012, for the figures and letters "376A, 376C, 376D", the figures and letters "376A, 376AB, 376B, 376C, 376D, 376DA, 376DB" shall be substituted.

Repeal and savings.

26. (1) The Criminal Law (Amendment) Ordinance, 2018 is hereby repealed.

Ord. No. 2
of 2018

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Penal Code, the Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2018

An

Act

*further to amend the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India
as follows : -

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the following section shall be inserted, namely:— 33 of 1989.

Insertion of
new section
18A.

No enquiry or
approval
required

"18A. (1) For the purposes of this Act,—

(a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or

(b) the investigating officer shall not require approval for the arrest, if necessary, of any person,

against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply.

(2) The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court."

**THE COMMERCIAL COURTS, COMMERCIAL DIVISION AND
COMMERCIAL APPELLATE DIVISION OF HIGH COURTS (AMENDMENT) ACT, 2018**

An

Act

*To amend the Commercial Courts, Commercial Division and
Commercial Appellate Division of High Courts Act, 2015.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows : -

| | | |
|----------------------------------|--|-------------------------------|
| | 1. (1) This Act may be called the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018. | Short title and commencement. |
| | (2) Save as otherwise provided, it shall be deemed to have come into force on the 3rd day of May, 2018. | |
| Amendment of long title. | 2. In the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter referred to as the principal Act), in the long title, after the words "Commercial Courts", the words "Commercial Appellate Courts," shall be inserted. | 4 of 2016. |
| Amendment of section 1. | 3. In section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— "(1) This Act may be called the Commercial Courts Act, 2015." | |
| Amendment of section 2. | 4. In section 2 of the principal Act, in sub-section (1),— (I) clause (a) shall be renumbered as clause (aa) thereof, and before clause (aa) as so renumbered, the following clause shall be inserted, namely:— "(a) "Commercial Appellate Courts" means the Commercial Appellate Courts designated under section 3A;"; (II) in clause (i), for the words "which shall not be less than one crore rupees", the words "which shall not be less than three lakh rupees" shall be substituted. | |
| Substitution of Chapter heading. | 5. In the principal Act, in Chapter II, for the Chapter heading, the following Chapter heading shall be substituted, namely:— "COMMERCIAL COURTS, COMMERCIAL APPELLATE COURTS, COMMERCIAL DIVISIONS AND COMMERCIAL APPELLATE DIVISIONS". | |
| Amendment of section 3. | 6. In section 3 of the principal Act,— (a) in sub-section (1), for the proviso, the following provisos shall be substituted, namely:— "Provided that with respect to the High Courts having ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, constitute Commercial Courts at the District Judge level: | |

Provided further that with respect to a territory over which the High Courts have ordinary original civil jurisdiction, the State Government may, by notification, specify such pecuniary value which shall not be less than three lakh rupees and not more than the pecuniary jurisdiction exercisable by the District Courts, as it may consider necessary.";

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in this Act, the State Government may, after consultation with the concerned High Court, by notification, specify such pecuniary value which shall not be less than three lakh rupees or such higher value, for whole or part of the State, as it may consider necessary.";

(c) in sub-section (3),—

(i) for the words "State Government shall", the words "State Government may" shall be substituted;

(ii) for the words "Commercial Court, from amongst the cadre of Higher Judicial Service in the State", the following words shall be substituted, namely:—

"Commercial Court either at the level of District Judge or a court below the level of a District Judge".

7. After section 3 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
3A.

"3A. Except the territories over which the High Courts have ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, designate such number of Commercial Appellate Courts at District Judge level, as it may deem necessary, for the purposes of exercising the jurisdiction and powers conferred on those Courts under this Act.".

Designation
of
Commercial
Appellate
Courts.

8. In section 4 of the principal Act, in sub-section (1), for the words "ordinary civil jurisdiction", the words "ordinary original civil jurisdiction" shall be substituted.

Amendment
of section 4.

9. Section 9 of the principal Act shall be omitted.

Omission of
section 9.

10. In section 12 of the principal Act, in sub-section (1),—

Amendment
of section 12.

(i) in clause (c), after the words "Specified Value;", the word "and" shall be inserted;

(ii) in clause (d), the word "and", occurring at the end, shall be omitted;

(iii) clause (e) shall be omitted.

11. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of
new Chapter
IIIA.

"CHAPTER IIIA

PRE-INSTITUTION MEDIATION AND SETTLEMENT

12A. (1) A suit, which does not contemplate any urgent interim relief under this Act, shall not be instituted unless the plaintiff exhausts the remedy of pre-institution mediation in accordance with such manner and procedure as may be prescribed by rules made by the Central Government.

Pre-
Institution
Mediation
and
Settlement.

39 of 1987.

(2) The Central Government may, by notification, authorise the Authorities constituted under the Legal Services Authorities Act, 1987, for the purposes of pre-institution mediation.

39 of 1987.

(3) Notwithstanding anything contained in the Legal Services Authorities Act, 1987, the Authority authorised by the Central Government under sub-section (2) shall complete the process of mediation within a period of three months from the date of application made by the plaintiff under sub-section (1):

Provided that the period of mediation may be extended for a further period of two months with the consent of the parties:

36 of 1963.

Provided further that, the period during which the parties remained occupied with the pre-institution mediation, such period shall not be computed for the purpose of limitation under the Limitation Act, 1963.

(4) If the parties to the commercial dispute arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties to the dispute and the mediator.

26 of 1996.

(5) The settlement arrived at under this section shall have the same status and effect as if it is an arbitral award on agreed terms under sub-section (4) of section 30 of the Arbitration and Conciliation Act, 1996."

12. In section 13 of the principal Act, for sub-section (1), the following shall be substituted, namely:—

Amendment
of section 13.

"(1) Any person aggrieved by the judgment or order of a Commercial Court below the level of a District Judge may appeal to the Commercial Appellate Court within a period of sixty days from the date of judgment or order.

(1A) Any person aggrieved by the judgment or order of a Commercial Court at the level of District Judge exercising original civil jurisdiction or, as the case may be, Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of the judgment or order:

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 as amended by this Act and section 37 of the Arbitration and Conciliation Act, 1996."

5 of 1908.
26 of 1996.

- Amendment of section 14. 13. In section 14 of the principal Act, for the words "Commercial Appellate Division", the words "Commercial Appellate Court and the Commercial Appellate Division" shall be substituted.
- Amendment of section 15. 14. In section 15 of the principal Act, in sub-section (4), for the words, figures and letter "with Order XIV-A", the words, figures and letter "with Order XV-A" shall be substituted.
- Amendment of section 17. 15. In section 17 of the principal Act, for the words "Commercial Courts" and "Commercial Court", wherever they occur, the words "Commercial Courts, Commercial Appellate Courts" shall be substituted.
- Amendment of section 20. 16. In section 20 of the principal Act, for the words "Commercial Court", the words "Commercial Courts, Commercial Appellate Courts" shall be substituted.
- Insertion of new section 21A. 17. After section 21 of the principal Act, the following section shall be inserted, namely:—
- Power of Central Government to make rules. "21A. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or any of the following matters, namely:—
- (a) the manner and procedure of pre-institution mediation under sub-section (1) of section 12A;
- (b) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules made by the Central Government.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."
- Amendment of Schedule. 18. In the Schedule to the principal Act,—
- (i) in Paragraph 4, in sub-paragraph (D), in item (iv),—
- (a) in the opening portion, the words "after the first proviso," shall be omitted;

(b) for the words "Provided further that", the words "Provided that" shall be substituted;

(ii) in Paragraph 11, for the words "Commercial Court", the words "Commercial Court, Commercial Appellate Court" shall be substituted;

(iii) after Paragraph 11, the following shall be inserted and shall be deemed to have been inserted with effect from the 23rd October, 2015, namely:—

‘12. After Appendix H, the following Appendix shall be inserted, namely:—

“APPENDIX-I

STATEMENT OF TRUTH

(Under First Schedule, Order VI- Rule 15A and Order XI- Rule 3)

I ---- the deponent do hereby solemnly affirm and declare as under:

1. I am the party in the above suit and competent to swear this affidavit.

2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.

3. I say that the statements made in ----paragraphs are true to my knowledge and statements made in ----paragraphs are based on information received which I believe to be correct and statements made in ---paragraphs are based on legal advice.

4. I say that there is no false statement or concealment of any material fact, document or record and I have included information that is according to me, relevant for the present suit.

5. I say that all documents in my power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by me have been disclosed and copies thereof annexed with the plaint, and that I do not have any other documents in my power, possession, control or custody.

6. I say that the above-mentioned pleading comprises of a total of ---- pages, each of which has been duly signed by me.

7. I state that the Annexures hereto are true copies of the documents referred to and relied upon by me.

8. I say that I am aware that for any false statement or concealment, I shall be liable for action taken against me under the law for the time being in force.

Place:

Date:

DEPONENT

VERIFICATION

I, do hereby declare that the statements made above are true to my knowledge.

Verified at [place] on this [date]

DEPONENT."

Application
of provisions
of this Act to
cases filed on
or after its
commence-
ment.

19. Save as otherwise provided, the provisions of this Act shall apply only to cases relating to commercial disputes filed on or after the date of commencement of this Act.

Repeal and
savings.

20. (1) The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 is hereby repealed.

Ordinance 3
of 2018.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall deemed to have been done or taken under the corresponding provisions of this Act.

L. A. LYNDEN,

Under Secretary to the Govt. of Meghalaya,
Law (B) Department.